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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 15, 1993
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport (arrived at 7:04 p.m.), Mann,
Pennino, Snider, and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn,
Public Works Director Ronsko, City Attorney McNatt, and
City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Mike Reed, Lodi Avenue Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) Representatives for the "American Red Cross Snowflake Month" were not present at the meeting, and, therefore, the proclamation was not presented.
FILE NO. CC-37

b) Police Chief Hansen introduced to the City Council the first graduating class of the Police Partners Volunteer Program. Chief Hansen recognized and acknowledged the efforts of Jeannie Biskup who is coordinating this program, and she, in turn, informed the Council that the second class will be forming soon. Anyone interested in applying should contact her at 333-6864.

Mr. Hansen also announced to the City Council and the public, that the Records Department will now be open until 7:00 p.m. on Thursday evenings to greater assist the public.
FILE NO. CC-6 AND CC-152

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5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

a) Frank Alegre, 2000 Edgewood Drive, Lodi, spoke in regards to Agenda item #E-10 entitled, "Appropriation for Bicycle Transportation Master Plan". Mr. Alegre questioned what this matter was about and whether or not the City will be hiring a consultant. Council expressed further concerns and it was determined that this matter would be removed from the Consent Calendar and discussed and acted upon at the end of the agenda.
FILE NO. CC-6, CC-15, CC-66 AND CC-300

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Pennino second, unanimously approved the following items hereinafter set forth, except those otherwise noted:

- a) Claims were approved in the amount of \$1,272,383.07.
FILE NO. CC-21(a)
- b) The Minutes of December 1, 1993 (Regular Meeting) were approved as written.
- c) Approved the specifications for bids for 1994 Sidewalk Repair Program and miscellaneous concrete work and authorized advertising for bids.
FILE NO. CC-12.1(c)
- d) Approved the specifications for bids for the purchase of 192 electric watthour meters and authorized advertising for bids.
FILE NO. CC-12.1(b)
- e) Approved the specifications for bids for the purchase of six conventional polemount transformers, thirty-four single-phase padmount transformers, and two three-phase padmount transformers and authorized advertising for bids.
FILE NO. CC-12.1(b)
- f) Approved the specifications for bids for 12,000 feet of #1/0 underground triplex, and 10,000 feet of 350Kcmil underground triplex, for use in the Electric Utility Department's distribution system and authorized advertising for bids.
FILE NO. CC-12.1(b)
- g) Authorized readvertising for bids for sale of a surplus power transformer/regulator combination and two surplus power circuit breakers stored at McLane Substation, as is and where is.
FILE NO. CC-12.1(c)
- h) Adopted Resolution No. 93-150 accepting the improvements under construction of electric substructures and directed the Electric Utility Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90 AND CC-300
- i) Agenda item #E-9 entitled, "Approval of funding engineering/Mokelumne River Bank Project" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- j) Agenda item #E-10 entitled, "Appropriation for Bicycle Transportation Master Plan" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Mayor Sieglock due to Council and public interest.)

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- k) Adopted Resolution No. 93-152 amending the Traffic Resolution No. 87-163 to approve speed limits on the newly annexed segments on Harney Lane and Turner Road.
FILE NO. CC-48(a) AND CC-300

- l) Set public hearing for Wednesday, January 12, 1994 at 7:00 p.m. to discuss Dibromochloropropane (DBCP).

(NOTE: Following Closed Session, the City Council, on motion of Council Member Mann, Pennino second, unanimously voted to reconsider the above matter.

Further, the City Council, on motion of Council Member Mann, Snider second, unanimously voted to postpone the public hearing to provide Council with an extension regarding the DBCP matter.)
FILE NO. CC-6 AND CC-183(a)

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7. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked the citizens for attending the meeting and commented on the following matters: (1) would still like to keep the gang issue alive; (2) would like to see a packet prepared for every Council meeting and suggested that, in addition to the City Manager, the Finance Director and City Attorney sign off on each Council communication and, therefore, eliminate the confusion and inconsistencies; (3) requested a report on the three mounted parking meters being stored in engineering division that are going to be given away as gifts. Mr. Davenport would like to know who authorized this and who will be receiving them, and that perhaps these can be fixed up and sold to generate revenue; (4) questioned why there was no recap of the Shirtsleeve Sessions listed on the agenda as was suggested by a citizen at the last City Council meeting. Mr. Davenport would like to see that on each agenda, and further provided a recap from the last Shirtsleeve Session regarding the water fund and the dibromochloropropane (DBCP) issue and the closed session regarding labor relations for the Lodi Police Officers' Association (LPOA) and the International Brotherhood of Electrical Workers (IBEW). Mr. Davenport informed the public about the water fund being in a hole and that the City currently transfers money from the water enterprise fund into the General Fund, which needs to be looked into; (5) attended the ground-breaking ceremony for the Lodi Boys and Girls Club of Lodi; (6) commented on alleged violations of the Brown Act at the December 7, 1993 Parks and Recreation Commission meeting, whereby the Commission took action on an urgency matter that was not posted on the agenda. Mr. Davenport further commented that the agenda for the December 14, 1993 Special Joint Meeting with Planning Commission was allegedly not posted and wanted to be assured that all notices are posted on the day before and the day of the meeting; (7) suggested the City Manager take steps to keep the City Council informed on matters, in particular, the possible acquisition of the Roget property as a gift. Mr. Davenport was unaware of this matter and prefers not to hear about such issues in the newspaper or at a meeting; (8) commented that he did not receive the Business License

Fee Report by Ralph Andersen and Associates (which was scheduled to be discussed under the Regular Calendar) until Tuesday and has not had ample time to read the information to make an educated decision; (9) stated he received inaccurate information from the Assistant City Manager of outdated copies of the Dial-A-Ride employee contracts; (10) welcomed the new Deputy City Clerk Jacqueline Hodson who is replacing Peggy Nicolini who was promoted to the City Attorney's office. Mr. Davenport further stated that the Deputy City Clerk and the Deputy City Attorney positions should be hired by the City Council just as the City Clerk and the City Attorney are; and (11) wished everyone a merry Christmas.

FILE NO. CC-1(a), CC-6, CC-27(c), CC-34, CC-72, AND CC-183(a)

- b) Mayor Sieglock responded to a few of Mr. Davenport's concerns: (1) the City Council will not be acting on the Business License report during this City Council meeting and the City Council will have a chance to review it in depth; and (2) the agenda for the December 14, 1993 Special Joint Meeting with the Planning Commission was posted and is well documented in the City Clerk's records, and the City does not have control over who takes the agendas down.

City Attorney McNatt further commented that the actions taken at the December 7, 1993 Parks and Recreation Commission were in compliance with the Brown Act.

FILE NO. CC-1(a), CC-6 AND CC-72

- c) Council Member Pennino stated that he testified today before the California Transportation Commission representing San Joaquin County regarding the multi-modal station and informed the City Council that the San Joaquin County Council of Governments (COG) has approved the funds for the architectural drawings and the Environmental Impact Report (EIR); however, COG will not advance the funds until Amtrak and Southern Pacific agree on which lines to use. Mr. Pennino has spoken with Senator Johnston, and they will be working with Southern Pacific to try to move forward on this matter.

FILE NO. CC-7(h), CC-7(n) AND CC-50(a)

- d) Council Member Mann suggested that the City Council direct staff to develop goals and objectives and a policy statement for redevelopment in Lodi to reflect the views of the City Council and that it be brought back to the City Council some time in February, 1994. Council Member Pennino suggested that this matter be discussed at the same time the goals and objectives are discussed for Council and City Departments at an upcoming Shirtsleeve Session.

Council Member Mann also suggested that the City Council direct staff to place on a future Shirtsleeve and City Council agenda in January or February ways to reduce electric rates to large industrial customers in Lodi.

Council Member Mann also stated he had an opportunity to ride on the Santa Clause Fire Engine for Christmas. He commended the Fire Department for this service because it brings such joy to the children.

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Council Member Mann congratulated California Waste for its new Materials Recovery Facility (MRF), and that it will produce more jobs and money for the City of Lodi.

FILE NO. CC-22(b), CC-51(d), CC-72 AND CC-400

- e) Mayor Sieglock attended the Crimestoppers luncheon last week and encouraged the citizens to call Crimestoppers to donate money, get involved in the program or just to call in a tip. The phone number is 333-6771.

Mayor Sieglock informed the City Council that pursuant to the Council's request, staff looked into the possibility of installing a "Keep Clear" sign on Kettleman Lane/Lee Avenue. To do so, it is necessary to receive approval from Caltrans; however, before that is done Council needs to take action on the matter, and it was requested that this matter be placed on a future agenda.

Mayor Sieglock responded to a request he received from a citizen to put tarps over the railway station to protect it since it may be moved for the future multi-modal station that staff will be looking into the matter. Mr. Sieglock wished everyone a merry Christmas.

FILE NO. CC-7(h), CC-48(a), CC-50(a) AND CC-152

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Joanne Mounce, representing the East Side Improvement Committee, 512-1/2 East Tokay Street, Lodi, announced to the City Council that it is holding a fundraiser on January 15, 1994 called "Penny Campaign". The theme is "It only takes a penny to clean up our City", and their goal is to reach one million pennies. Citizens were encouraged to drop off their pennies at Aldee Market, 216 North Cherokee Lane.

FILE NO. CC-2(s)

- b) Assistant City Manager Glenn reminded the citizens of the New Year's Eve free Dial-A-Ride program. Dial-A-Ride will provide free rides from 7:00 p.m. - 3:00 a.m., and will pick up and return riders anywhere in Lodi and Woodbridge. Anyone interested may call Dial-A-Ride at 333-6806.

Mr. Glenn also announced to the City Council that Kirk Evans, Administrative Assistant to the City Manager, took his oath of citizenship on this date and is now officially an American citizen.

FILE NO. CC-50(b)

- c) George Newmarch, no address given, complimented the Dial-A-Ride drivers for being courteous and kind and safe drivers. Mr. Newmarch does not want to see the Dial-A-Ride employees strike and would be willing to pay a higher fare in order to give them a pay increase. Mr. Newmarch stated that one of the "top managers" misled the drivers about getting a pay increase and benefits, which can only be authorized by the City Council.

FILE NO. CC-50(b)

- d) Joe Roth, AKA Wilbur Calhoun, Antioch, CA, spoke up to "defend himself from the Citizens' Watch Committee". Mr. Roth alleges that at the April 21, 1993 City Council meeting, "Wilbur Calhoun" was set up as a pawn for the Friends of Tom (F. O. T.) letter by the "founder and president of the Citizen's Watch Committee", who admitted having dinner with Joe Roth, but denied the presence of Wilbur Calhoun. Mr. Roth also stated that this person is a "puppet to a Council man and his wife" and that only one person on the City Council could have benefitted from the F. O. T. letter.
FILE NO. CC-6 AND CC-18

9. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the continued Public Hearing to consider appeal received from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray, regarding Notice of Public Nuisance and Order to Abate issued by Chief Building Inspector regarding property located at 1201 North Edgewood Drive, Lodi.

It was requested by staff, with the consent of the appellant, that the matter be continued until January 19, 1994.

ACTION:

The City Council, on motion of Council Member Pennino, Davenport second, unanimously continued the public hearing regarding appeal received from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray, regarding Notice of Public Nuisance and Order to Abate issued by Chief Building Inspector regarding property located at 1201 North Edgewood Drive, Lodi until January 19, 1994.

FILE NO. CC-53(b)

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider unmet transit needs within the City of Lodi.

Assistant City Manager Glenn presented the minutes from the unmet transit needs public hearing which was held at 10:00 a.m. at Hutchins Street Square (minutes on file in the City Clerk's office).

Hearing Opened to the Public

1. Assistant City Manager Glenn read a letter that was received from Lillian Goldsmith expressing the need for a connecting bus to Stockton, her pleasure that Dial-A-Ride is functioning so well, and desire that the Ad Hoc Transportation Committee be fully involved during the fixed-route transportation system process; and
2. Darrell McLaughlin, City of Lodi Dial-A-Ride employee, spoke about the working conditions under the City of Lodi and informed Council that the Dial-A-Ride employees would like to discuss

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some of its concerns with the Council privately rather than in a public forum. Mr. McLaughlin also encouraged the Council to go on a ride-along with Dial-A-Ride and further requested that consideration be given to installation of a computer for the dispatchers. Mr. McLaughlin introduced the Dial-A-Ride employees who were in the audience that evening.

Public Portion of Hearing Closed

The minutes from the public hearings will then be forwarded to the San Joaquin County Council of Governments (COG).
FILE NO. CC-50(b)

10. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Mann, Pennino second, unanimously rejected the following claims and referred them back to ICA:

1. David Brown, date of loss 11/2/93
2. Caroline Reynolds, date of loss 11/10/93
3. Brenda L. Schafer, date of loss 11/14/93

Council Member Davenport expressed concerns about the frequency of power surges and suggested that the City create a policy. It was pointed out that the City of Lodi has a policy whereby it advises all new electric utility customers that it is their responsibility to purchase a surge protector to protect their appliances.
FILE NO. CC-4(c)

- b) The City Council, on motion of Council Member Pennino, Mann second, unanimously made the following reappointments to various boards and commissions:

SENIOR CITIZENS COMMISSION

Lillian Goldsmith	term to expire December 31, 1997
Dorance Ochs	term to expire December 31, 1997

MOSQUITO ABATEMENT DISTRICT

Robert Fuller	term to expire December 31, 1995
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Council Member Pennino reminded the public that there is still a vacancy on the San Joaquin County Council of Governments (COG) Citizens Advisory Committee (Measure K Committee) and encouraged citizens to apply.
FILE NO. CC-2(a), CC-2(e) AND CC-2(i)

11. RECESS

Mayor Sieglock declared a ten-minute recess, and the City Council meeting reconvened at approximately 8:42 p.m.

12. REGULAR CALENDAR

- a) Following discussion regarding recommendation concerning potential revenue sources (business license fee), the City Council, on motion of Council Member Pennino, Davenport second, unanimously referred this matter to staff and directed that workshops be established to gain public input.

Speaking on the matter were the following persons:

1. Dennis Bennett, Chairperson, Old Lodi Union High School Site Foundation, presented a report by consultants Ralph Andersen and Associates entitled, "Final Report Recommended Framework for the City's Business License Tax Ordinance - City of Lodi" which was paid for by the Foundation. Mr. Bennett informed the City Council about the first public meeting it had at Hutchins Street Square regarding the matter;
2. Suzanne Bragdon, Vice President, Ralph Andersen and Associates, presented an overview of the report (copy of which is on file in the City Clerk's office);
3. James Verseput, Lodi District Chamber of Commerce, 2120 West Lodi Avenue, Lodi, briefly commented that the Chamber of Commerce was not aware of the public meeting that was held at Hutchins Street Square and that it was not responsible for sending out the fliers. Mr. Verseput further presented the City Council with a Resolution that the Chamber adopted on December 3, 1993 whereby it supports the business license fee review, in general; however, it requests that the City Council delay action on the specific formula until after the pending proposal for Cherokee Lane and downtown redevelopment is available;
4. Colleen Dixon, 333 Hilborn, Lodi, questioned whether it would be more worthwhile to have a special tax with a master plan specifying where the money will be spent, rather than have a fee increase that goes into the General Fund that is unable to be earmarked for specific projects;
5. Ron Slate, 1717 South Stockton Street, Lodi, owner of a business in Stockton with the office being located in Lodi, questioned how he would be taxed in this instance;
6. Stewart (Bud) Adams, Lodi resident, spoke in support of the business license fee, and stated that it needs to be done to increase the City's revenues which will, in turn, assist in economic redevelopment for the City's local businesses;

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7. Frank Alegre, 2000 Edgewood Drive, Lodi, requested a definition of some of the business categories and wanted clarification regarding how the fee is charged and who is charged in a commercial rental property with a business operating it;
8. Dennis Bennett responded to Mr. Verseput's comments about the misunderstanding between the Foundation and the Chamber of Commerce regarding this first public meeting that was held at the Square; and
9. Ken Cantrell, President, Lodi Downtown Business Association (LDBA), 2334 St. Anton Drive, Lodi, urged the City Council to keep the downtown in mind if this business license fee were to be adopted.
FILE NO. CC-6, CC-72 AND CC-400

13. RECESS

Mayor Sieglock declared a ten-minute recess, and the City Council meeting reconvened at approximately 10:41 p.m.

14. REGULAR CALENDAR (continued)

- a) The City Council, on motion of Council Member Mann, Davenport second, unanimously authorized the execution of a Lease between the City and the Boys and Girls Club for facilities at Blakely Park with minor language changes as presented by the Lodi Boys and Girls Club, and made related findings pursuant to Lodi Municipal Code Section 15.64.110(A) that this is a "City project" and thus exempt from development impact mitigation fees and sewer connection fees. This is premised on the fact that the City presently owns the land and upon expiration or termination of the lease will also own the building.

Speaking in support of the matter were Bob Fisher and Richard Jones of the Lodi Boys and Girls Club.

FILE NO. CC-27(c), CC-90 AND CC-188

15. VOTE TO CONTINUE FOLLOWING 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Sieglock second, unanimously determined it would continue with the remainder of the meeting following the 11:00 p.m. hour.

16. REGULAR CALENDAR (continued)

- a) Council Member Snider abstained from the following matter.

City Attorney McNatt asked Mr. LeDon Bader, attorney on behalf of the Dr. and Mrs. Gordon Roget estate, to acknowledge that there is no soil or water pollution on the site to the best of his knowledge and

that there are no liens or incumbrances on the property except for unpaid taxes for the current year. Mr. Bader so acknowledged.

The City Council, on motion of Council Member Mann, Pennino second, authorized the City Manager to accept the deed on behalf of the City of Lodi for the Dr. and Mrs. Gordon Roget property as park land, record the deed with the San Joaquin County Recorder's Office prior to December 31, 1993 and authorized staff to seek to acquire the Dunscombe property or like acreage attached to the Roget parcel to make a 7-1/2 to 8 acre park by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino and Sieglock
(Mayor)
Noes: Council Members - None
Absent: Council Members - None
Abstain: Council Members - Snider

FILE NO. CC-6 AND CC-27(c)

- b) Council Member Pennino asked the City Attorney if he had a conflict of interest in the following matter. The City Attorney responded that Mr. Pennino did not, and, therefore, he did not need to abstain from discussion and voting on this matter.

The City Council, on motion of Mayor Sieglock, Davenport second, unanimously adopted Resolution No. 93-153 approving the execution of the Power Pooling Agreement and Facilities Agreement between Northern California Power Agency and its members (copy of which is on file in the office of the City Clerk).

FILE NO. CC-51(d), CC-90 AND CC-300

- c) Agenda item #J-5 entitled, "Architectural services for Municipal Service Center (MSC) Electric Utility Modification/Expansion Project" was pulled from the agenda pursuant to staff's request.

17. LODI PUBLIC IMPROVEMENT CORPORATION

Mayor Sieglock adjourned to the Lodi Public Improvement Corporation. President Pennino called the meeting to order and Secretary Perrin recorded roll. Following discussion, the Board of Directors, on motion of Director Snider, Mann second, unanimously adopted Resolution No. 93-2 electing the following new officers of the Lodi Public Improvement Corporation.

President - Jack A. Sieglock
Vice President - Steven Mann
Secretary - Jennifer M. Perrin
Treasurer - Dixon Flynn

The City Council meeting reconvened.
FILE NO. CC-190

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18. LODI INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Sieglock adjourned to the Lodi Industrial Development Authority. Chairperson Pennino called the meeting to order and Secretary Perrin recorded roll. Following discussion, the Board, on motion of Authorizing Member Snider, Pennino second, unanimously adopted Resolution No. IDA-10 electing the following new officers of the Industrial Development Authority:

Chairperson - Jack A. Sieglock
Vice Chairperson - Steven Mann
Secretary - Jennifer M. Perrin
Treasurer - Dixon Flynn

The City Council meeting reconvened.
FILE NO. CC-60

19. ACTION ON CONSENT CALENDAR ITEMS

- a) The City Council, on motion of Council Member Davenport, Snider second, unanimously authorized the expenditure of funds necessary to execute an engineering contract for the Mokelumne River project.
FILE NO. CC-90 AND CC-184
- b) The City Council, on motion of Council Member Snider, Davenport second, unanimously adopted Resolution No. 93-151 amending the Capital Improvement Project to appropriate \$6,000 from the Gas Tax Fund to provide a match for the Measure K Grant for City Bicycle Transportation Master Plan.
FILE NO. CC-6, CC-15, CC-66 AND CC-300

20. ORDINANCES

None.

21. CLOSED SESSION

The City Council adjourned to a Closed Session to discuss the following matters:

- a) Labor Relations
- b) Potential Litigation - Edna M. Mayar v. City of Lodi
- c) Dibromochloropropane (DBCP)

The City Council meeting reconvened at approximately 12:26 a.m.
FILE NO. CC-183(a), CC-200(a) AND CC-200(d)

22. MOTION TO RECONSIDER AGENDA ITEM #E-10

As noted earlier on the agenda, the City Council, following Closed Session, on motion of Council Member Mann, Pennino second, unanimously voted to reconsider its earlier action taken on agenda item #E-10 entitled, "Set public hearing for January 12, 1994 to discuss dibromochloropropane" whereby it set the matter for public hearing for January 12, 1994.

Further, the City Council, on motion of Council Member Mann, Snider second, unanimously postponed the public hearing to provide Council with an extension regarding the DBCP matter.

FILE NO. CC-6 AND CC-183(a)

23. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 12:27 a.m., December 16, 1993.

ATTEST:


Jennifer M. Perrin
City Clerk